

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Identify  
Disadvantaged Communities in the  
San Joaquin Valley and Analyze  
Economically Feasible Options to Increase  
Access to Affordable Energy in those  
Disadvantaged Communities

R. \_\_\_\_\_

**ORDER INSTITUTING RULEMAKING TO IDENTIFY DISADVANTAGED  
COMMUNITIES IN THE SAN JOAQUIN VALLEY AND PROVIDE  
ECONOMICALLY FEASIBLE OPTIONS FOR AFFORDABLE ENERGY****Summary**

This Rulemaking is opened to identify disadvantaged communities in the San Joaquin Valley and to evaluate economically feasible options for affordable access to energy in those communities as required by Public Utilities Code Section 783.5.<sup>1</sup>

**1. Background****1.1. Assembly Bill(AB) 2672 (Perea, 2014)**

On September 26, 2014, Governor Edmund G. Brown, Jr. signed into law Assembly Bill (AB) 2672. This legislation added Public Utilities (Pun. Util.) Code Section 783.5 and seeks to increase affordable access to energy for disadvantaged

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<sup>1</sup> Section 783.5 was added to the Public Utilities Code by Assembly Bill 2672(Perea, Statutes 2014, Chapter 616, effective January 1, 2015)

communities in the San Joaquin Valley. Pub. Util. Code § 783.5<sup>2</sup> requires the Commission to:

- Identify disadvantaged communities in the San Joaquin Valley meeting specific income, geographic, and population requirements;
- Open a proceeding by March 31, 2015 to evaluate the economic feasibility of options intended to improve affordable access to energy for the identified communities.

The Commission has regulatory authority to fix the rates and charges for certain utilities, including gas and electric corporations that are subject to its jurisdiction. As part of its regulatory scheme, the Commission administers energy assistance programs such as the Energy Savings Assistance (ESA) Program and the California Alternate Rates for Energy (CARE) Program. In Decision (D.) 13-10-019, the Commission also authorized the establishment of economic development rates in Pacific Gas and Electric Company (PG&E) territories to stimulate employment opportunities. Any affordable energy solutions developed in this proceeding is expected to work in conjunction with existing programs.

## **2. Discussion**

### **2.1. Identification of Disadvantaged Communities**

Under Pub. Util. Code § 783.5, a “disadvantaged community” is a San Joaquin Valley Community that meets all of the following criteria:

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<sup>2</sup> All references to code sections refer to the California Public Utilities Code, and Appendix A to this rulemaking provides the full text of PU Code § 783.5.

- At least 25% of the residential households with electrical service are enrolled in the CARE program pursuant to Pub. Util. Code §739.1
- Has a population greater than 100 persons within its geographic boundaries as identified by the most recent survey.
- Has geographic boundaries no further than seven miles from the nearest natural gas pipeline operated by a gas corporation.
- “San Joaquin Valley” means the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

Southern California Edison Company(SCE) and PG&E provide electric service for the affected counties while Southern California Gas Company (SoCal Gas) and PG&E provide gas service for the same. SCE and PG&E administer the CARE program and have ready access to residential CARE customer data within their service areas. SoCal Gas and PG&E are also best positioned to determine natural gas pipeline locations as it related to municipal boundaries. As such, SCE, SoCal Gas, and PG&E are best positioned perform the initial identification of potential “Disadvantaged Communities.” SCE, SoCalGas and PG&E are directed to meet and confer, and to file and serve a list of potentially eligible communities within (30 days of the mailing of this Order Instituting Rulemaking (OIR.) In their joint filing, SCE, SoCal Gas and PG&E is directed to provide both the underlying data and the methodology they have used to identify the potential eligible communities.

## **2.2. Analysis of Potential Affordable Energy Options**

After identifying disadvantaged communities, PU Code §783.5 directs the Commission to evaluate the “economic feasibility” of the following options:

- Extending natural gas pipelines to those disadvantaged communities;
- Increasing subsidies for electricity for residential customers in those disadvantaged communities; and
- Other alternatives that would increase access to affordable energy in those disadvantaged communities that the Commission deems appropriate.

“Economic feasibility” is generally defined as the process of determining whether a new venture is worth the cost and time investment. For the purpose of this proceeding, “economic feasibility” may include cost benefit analysis, and also include considerations such as public health, enhancing safety, and other non-traditional factors. Furthermore, until disadvantaged communities have been identified, the Commission cannot easily develop factors to conduct an economic feasibility study.

As part of the rulemaking, the Commission is tasked with implementing any cost effective solutions it found, and to take appropriate action and determine appropriate funding sources.

### **3. Preliminary Scoping Memo**

This OIR will be conducted in accordance with Article 6 of the Commission's Rules of Practice and Procedure.<sup>3</sup> As required by Rule 7.3, this order includes a preliminary Scoping Memo as set forth below.

### **4. Scope**

The issues to be considered in the scope this proceeding, as discussed earlier in Section 2 of this OIR, involves the implementation of Pub. Util. Code § 783.5. In summary, the scope of this proceeding includes the following:

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<sup>3</sup> All references to Rules are to the Commission’s Rules of Practice and Procedure.

- a. Identification of disadvantaged communities in the San Joaquin Valley.
- b. Identification of options to increase affordable access to energy for the identified communities.
  - Extending natural gas pipelines to those disadvantaged communities;
  - Increasing subsidies for electricity for residential customers in those disadvantaged communities;
  - Identification of other options to increase affordable access to energy for the identified communities.
- c. If cost effective options are identified, take appropriate action and determine funding sources.

## **5. Category of Proceeding and Need for Hearing**

Rule 7.1(d) requires that an OIR preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this proceeding is a “quasi-legislative” proceeding, as that term is defined in Rule 1.3(d). It is contemplated that this proceeding shall be conducted through written comments and workshops, without the need for evidentiary hearings.

Anyone who objects to the preliminary categorization of this OIR as “quasi-legislative,” or to the preliminary hearing determination, must state the objections in opening comments to this OIR. If the person believes hearings are necessary, the comments must state:

- a) The specific disputed fact for which hearing is sought;
- b) Justification for the hearing (e.g., why the fact is material);
- c) What the party would seek to demonstrate through a hearing; and
- d) Anything else necessary for the purpose of making an informed ruling on the request for hearing.

However, implementation of cost effective options to increase affordable access to energy and the identification of funding sources in phase two of this proceeding would be categorized as “ratesetting” as that term is defined in Rule 1.3(e) with a need for hearings. After considering any comments on the preliminary Scoping Memo, the assigned Commissioner may issue an amended Scoping Memo that, among other things, will make a final category determination. This determination is subject to appeal as specified in Rule 7.6(a).

## **6. Respondents**

PG&E, SCE, and SoCalGas shall be respondents in this proceeding.

Respondents shall be placed on the service list automatically as parties, but each respondent shall follow the instructions below to alert the Commission’s Process Office of the name and address and e-mail information for its representative(s) to receive service within 20 days of issuance of this rulemaking. Respondents are listed in Attachment B.

## **7. Schedule**

For purposes of meeting the Scoping Memo requirements, and to expedite the proceeding, we establish the following preliminary schedule, which may include a phased determination (as discussed below) of the institution of AB 2672:

<b>DATE</b>	<b>EVENT</b>
20 days from mailing of this OIR	Deadline to request party status
30 days from mailing of this OIR	SCE, SoCal Gas, and PG&E are directed to file and serve a list of potential “disadvantaged communities”
30 days from mailing of this OIR	Opening Comments on the OIR filed and served (on questions, issues, and proposals set out in Section 4 of this OIR)

45 days from mailing of this OIR	Reply Comments on the OIR filed and served
45 days from the mailing of this OIR	Comments on the list of potential “disadvantaged communities” to be filed and served

The assigned Commissioner or the assigned Administrative Law Judge (ALJ) by ruling with the assigned Commissioner’s concurrence may modify the schedule as necessary during the course of the proceeding. The determination on the need for further procedural measures, including prehearing conferences, discovery, technical workshops, and/or evidentiary hearings will be made in one or more rulings.

Any party who believes that an evidentiary hearing is required shall file a motion requesting such a hearing no later than ten business days after the filing of reply comments. Any such motion must identify and describe (i) the material issues of fact, (ii) the evidence the party proposes to introduce at the requested hearing, and (iii) the schedule for conducting the hearing. Any right that a party may otherwise have to an evidentiary hearing will be waived if the party does not submit a timely motion requesting an evidentiary hearing.

Following receipt of any such motions, the assigned Commissioner and ALJ shall determine the need for and extent of further procedural steps that are necessary to develop an adequate record to resolve this rulemaking, and shall issue rulings providing guidance to parties, as warranted.

This proceeding will conform to the statutory case management deadline for quasi-legislative matters set forth in Pub. Util. Code § 1701.5 and be resolved within 18 months of the Scoping Memo.

**8. Proposed Phased Deployment**

The Commission is considering a phased approach in implementing §783.5. The legislature has given separate tasks to the Commission which cannot be completed concurrently. In the first phase, we anticipate identifying potential eligible communities and evaluating affordable energy solutions. If one or more solutions are found to be cost effective, we anticipate taking steps to implement those programs in the second phase of this proceeding.

**9. Service List and Subscription Service**

This OIR shall be served on all respondents, in addition, in the interest of broad notice, this OIR will be served on the official service lists of Rulemaking 12-06-013, Application (A.) 11-05-017, A. 14-11-007, and A.11-06-016. These proceedings deal with residential rate design, renewable energy sources, and energy assistance programs. We will also serve a number of entities that may be interested parties to the proceeding and the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The interested parties and the county clerks' offices are appended to this rulemaking as Attachment C. Service of this OIR does not confer party status or place a person who has received such service on the Official Service List for this proceeding.

Respondents are parties to the proceeding (Rule 1.4(d)) and will be immediately placed on the official service list.

Any person will be added to the "Information Only" category of the official service list upon request, for electronic service of all documents in the proceeding, and should do so promptly in order to ensure timely service of comments and other documents and correspondence in the proceeding.(See Rule 1.9(f).) The request must be sent to the Process Office by email([process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov)) or letter(Process Office, California Public



Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102).

Please include the Docket Number of this rulemaking in the request.

Persons who file responsive comments thereby become parties to the proceeding (*See Rule 1.4(a)(2)*) and will be added to the “Parties” category of the official service list upon such filing. *In order to assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the “Information Only” category as described above; they will be removed from that category upon obtaining party status.*

The Commission has adopted rules for the electronic service of documents related to its proceedings, including Rule 1.10 which are available on our web site at: <http://www.cpuc.ca.gov/PUC/documents/codelawspolicies.htm>. We will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served.

This Rule provides for electronic service of documents, in a searchable format, unless the appearance or State service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by United States mail. In this proceeding, concurrent e-mail service to all persons on the service list for whom an e-mail address is available will be required, including those listed under “Information Only.” Parties are expected to provide paper copies of served documents upon request.

E-mail communication about this OIR proceeding should include, at a minimum, the following information on the subject line of the e-mail: (Proceeding number to be assigned) - OIR to identify and evaluate affordable energy solutions for disadvantaged communities in the San Joaquin Valley. In addition, the party sending the e-mail should briefly describe the attached

communication; for example, "Comments." Paper format copies, in addition to electronic copies, shall be served on the assigned Commissioner and the ALJ.

This OIR can also be monitored through the Commission's document subscription service; subscribers will receive electronic copies of documents in this Rulemaking that are published on the Commission's website. There is no need to be on the service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission's website at <http://subscribecpuc.cpuc.ca.gov>.

#### **10. Public Advisor**

Any person or entity interested in participating in this OIR who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov); or e-mail [public.advisor.la@cpuc.ca.gov](mailto:public.advisor.la@cpuc.ca.gov). The TTY number is (866) 836-7825.

#### **11. Intervenor Compensation**

Any party that expects to request intervenor compensation for its participation in this OIR shall file its notice of intent to claim intervenor compensation in accordance with Rule 17 within 30 days of the filing of reply comments or of the prehearing conference, whichever is later.

#### **12. Ex Parte Communications**

*Ex parte* communications are defined in Rule 8.1. In quasi-legislative proceedings such as this one, *ex parte* communications are allowed without restriction or reporting requirement as set forth in Rule 8.3.

**IT IS ORDERED** that:

1. An Order Instituting Rulemaking is instituted on the Commission's own motion for the purpose of implementing Section 783.5 of the California Public Utilities Code as recently added by Assembly Bill 2672 in 2014.

2. This Rulemaking is preliminarily determined to be a quasi-legislative proceeding, as that term is defined in Rule 1.3(d), and it is preliminarily determined that no hearings are necessary.

3. The Executive Director shall cause this Order Instituting Rulemaking to be served on the service list for Rulemaking 12-06-013, Application (A.) 11-05-017, A.14-11-007, and A.11-06-016.

4. Southern California Edison Company, Southern California Gas Company, and Pacific Gas and Electric Company are named as respondents to this proceeding. The Executive Director shall cause this Order Instituting Rulemaking to be served using contact information in Attachment B.

5. The Executive Director shall cause this Order Instituting Rulemaking to be served on the affected counties and potential interested parties in Attachment C.

6. The preliminary schedule for this proceeding is as set forth in Section 7 of this Order Instituting Rulemaking. The assigned Commissioner through his/her Scoping Memo and subsequent rulings, and the assigned Administrative Law Judge by ruling with the assigned Commissioner's concurrence, may modify the schedule as necessary.

7. Southern California Edison Company, Southern California Gas Company, and Pacific Gas and Electric Company shall meet and confer, then file and serve a list of potential 'disadvantaged communities' as defined by Assembly Bill 2672 and Public Utilities Code Section 783.5 within 30 days from the mailing of this OIR. Comments on the list must be filed 45 days from the mailing of this OIR.

The filing must include the underlying data and the methodology used to identify the potential communities.

8. The issues to be considered in this Order Instituting Rulemaking (OIR) are those set forth in the body of this OIR. Comments and reply comments must be filed 30 and 45 days, respectively, from the mailing of this OIR, unless the assigned Commissioner or Administrative Law Judge modifies the schedule. Comments and reply comments shall conform to the requirements of the Commission's Rules of Practice and Procedure.

9. Any persons objecting to the preliminary categorization of this Order Instituting Rulemaking (OIR) as "quasi-legislative," or to the preliminary determination on the need for hearings, issues to be considered, or schedule shall state their objections in their opening comments of this OIR.

10. Within 20 days of the date of issuance of this order, any person or representative of an entity seeking to become a party to this Order Instituting Rulemaking must send a request to the Commission's Process Office, 505 Van Ness Avenue, San Francisco, California 94102 (or [Process\\_Office@cpuc.ca.gov](mailto:Process_Office@cpuc.ca.gov)) to be placed on the official service list for this proceeding. Individuals seeking only to monitor the proceeding, but not participate as an active party may request to be added to the service list as "Information Only."

11. After initial service of this order, a new service list for the proceeding shall be established following procedures set forth in this order. The Commission's Process Office will publish the official service list on the Commission's website ([www.cpuc.ca.gov](http://www.cpuc.ca.gov)) as soon as practical. The assigned Commissioner, and the assigned Administrative Law Judge, acting with the assigned Commissioner's concurrence, shall have ongoing oversight of the

service list and may institute changes to the list or the procedures governing it as necessary.

12. Any party that expects to claim intervenor compensation for its participation in this Order Instituting Rulemaking shall file its notice of intent to claim intervenor compensation in accordance with Rule 17.1 of the Commission's Rules of Practice and Procedure, within 30 days of the filing of reply comments or of the prehearing conference, whichever is later.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**ATTACHMENT A**

Assembly Bill 2672

## Attachment A

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) Many low-income communities throughout California's San Joaquin Valley lack access to natural gas lines.

(b) Increasing access to affordable energy can improve the health, safety, and air quality of these communities.

SEC. 2. Section 783.5 is added to the Public Utilities Code, to read:

783.5. (a) For purposes of this section, the following terms have the following meanings:

(1) "Disadvantaged community" means a San Joaquin Valley community that meets all of the following criteria:

(A) At least 25 percent of residential households with electrical service are enrolled in the CARE program pursuant to Section 739.1.

(B) Has a population greater than 100 persons within its geographic boundaries as identified by the most recent United States Census or a community survey.

(C) Has geographic boundaries no farther than seven miles from the nearest natural gas pipeline operated by a gas corporation.

(2) "San Joaquin Valley" means the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

(b) No later than March 31, 2015, the commission shall initiate a new proceeding to do all of the following:

(1) Identify disadvantaged communities based on the criteria specified in subdivision (a).

(2) Analyze the economic feasibility of the following options:

(A) Extending natural gas pipelines to those disadvantaged communities.

(B) Increasing subsidies for electricity for residential customers in those disadvantaged communities.

(C) Other alternatives that would increase access to affordable energy in those disadvantaged communities that the commission deems appropriate.

(c) The commission shall determine whether any of the options analyzed in the proceeding would increase access to affordable energy in a cost-effective manner. For these options, the commission shall take appropriate action and determine appropriate funding sources.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstance that the San Joaquin Valley is home to many communities that lack access to natural gas service and it is necessary to ensure more affordable and cleaner alternatives are available.

**(END OF ATTACHMENT A)**

**ATTACHMENT B**

Utility Respondents



Attachment B

Utility Respondents

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**(END OF ATTACHMENT B)**

**Attachment C**

**Interested Parties and Affected County Clerk's Offices**

## **San Joaquin Valley County Clerk Offices**

Brandi L. Orth  
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2221 Kern Street, Fresno, CA 93721  
clerk-elections@co.fresno.ca.us

Mary B. Bedard, CPA  
County of Kern Auditor-Controller-County Clerk  
1115 Truxtun Avenue, Bakersfield, CA 93301  
Email available in direct link at: <http://www.co.kern.ca.us/ctyclerk/contact/elections@co.kern.ca.us>

Rebecca Martinez  
Madera County Clerk/Recorder/Registrar  
200 W. 4<sup>th</sup> Street, Madera, CA 93637  
countyclerkinfo@madera-county.com

Kenneth W. Blakemore  
San Joaquin County Recorder/County Clerk  
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## **Potential Interested Parties**

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**(END OF ATTACHMENT C)**